

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAULINE HORVATH,

Plaintiff,

v.

DR. DONALD C. WINTER,

Defendant.

No. C 07-04952 JSW

**ORDER TO SHOW CAUSE**

On December 26, 2007, this Court issued an Order setting a briefing schedule on Defendant's motion to dismiss, which has been noticed for hearing on February 15, 2008. On January 4, 2008, the Court issued a further order modifying that briefing schedule, in which it required Ms. Horvath to file an opposition to the motion by January 23, 2008. On January 25, 2008, Defendant filed a notice advising the Court that it had not received a copy of the opposition and no such opposition appears in the docket. As of close of business January 28, 2008, the Court had not received an opposition to Defendant's motion from Ms. Horvath.

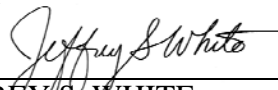
Accordingly, Plaintiff is HEREBY ORDERED TO SHOW CAUSE, in writing, why this case should not be dismissed for failure to prosecute. If Plaintiff seeks to file a belated opposition to Defendant's motion, she must demonstrate good cause for the late filing, and shall file a copy of her opposition brief with the request to late file. Plaintiff's response to this Order to Show Cause and any request to late file her opposition must be filed with the Court and served on Defendant by no later than February 8, 2008.

1 The hearing and case management conference set for February 15, 2008 at 9:00 a.m. are  
2 VACATED. The Court shall reschedule those dates, if necessary, after the Court has  
3 considered Plaintiff's response to this Order to Show Cause and any request to late file an  
4 opposition brief to Defendant's motion.

5 Plaintiff is HEREBY ADVISED that failure to respond to this Order to Show Cause  
6 shall result in a dismissal of this action, without prejudice, for failure to prosecute.

7 **IT IS SO ORDERED.**

8  
9 Dated: January 29, 2008

  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 PAULINE HORVATH,  
6 Plaintiff,  
7

Case Number: CV07-04952 JSW

**CERTIFICATE OF SERVICE**

8 v.

9 DR. DONALD C. WINTER et al,  
10 Defendant.  
\_\_\_\_\_ /

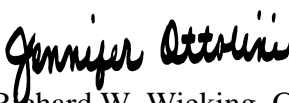
11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
12 District Court, Northern District of California.

13 That on January 29, 2008, I SERVED a true and correct copy(ies) of the attached, by  
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter  
15 listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an  
16 inter-office delivery receptacle located in the Clerk's office.

17 Michael Thomas Pyle  
18 United States Attorney's Office  
19 450 Golden Gate Avenue  
Box 36055  
San Francisco, CA 94102-3495

20 Pauline Horvath  
21 3544 Custer Street  
# 3  
Oakland, CA 94601

22 Dated: January 29, 2008

  
23 Richard W. Wieking, Clerk  
24 By: Jennifer Ottolini, Deputy Clerk  
25  
26  
27  
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